

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

MICHAEL R. WESSEL,

Case No. 1-09-41068-dem

Chapter 7

Debtor.

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**DECISION AND ORDER DENYING DEBTOR'S APPLICATION FOR  
DAMAGES ARISING FROM ALLEGED VIOLATION OF AUTOMATIC STAY**

On or about February 12, 2009, Michael R. Wessel (the “debtor”) filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On April 20, 2009, the debtor filed a motion for an Order imposing the automatic stay upon TD Bank, N.A. (the “Application”). On April 23, 2009, the Court conducted an initial hearing on the Application and continued the hearing. On May 12, 2009, the Court conducted a further hearing and set forth a briefing schedule, pursuant to which TD Bank was directed to file papers in opposition on or before May 26, 2009 and the debtor was directed to file reply papers on or before June 9, 2009. On or about May 28, 2009, counsel for TD Bank filed responsive papers to the Application. The docket sheet reflects that the debtor has not filed any pleadings in reply.

Upon review of all the pleadings, the Court finds that the debtor has failed to establish any damages for the claimed violation of the automatic stay arising from the delay of TD Bank in lifting a restraint placed on deposit accounts maintained in his name in compliance with a third party's judgment enforcement efforts more than one month before the debtor commenced this bankruptcy proceeding.

The debtor's Application is denied in all respects.

IT IS SO ORDERED.

Dated: Brooklyn, New York  
August 3, 2009

S/ Dennis E. Milton  
DENNIS E. MILTON  
United States Bankruptcy Judge

To: Michael R. Wessel  
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